



CITY OF HAYWARD AGENDA REPORT

Meeting Date 09/23/04
Agenda Item 1

To: Planning Commission

From: Tim R. Koonze, Assistant Planner

Subject: **Administrative Use Permit No. PL-2004-0473 / Variance PL-2004-0471 / Tentative Tract Map 7542 – Khalid Mayar (Applicant/Owner) – Request to Construct Six Residential Condominium Units Adjacent to and Above a Portion of a 7,200-Square-Foot Restaurant Located on the Front Property Line Where a 10-Foot Setback Is Required and to Allow a Parking Space Adjacent to a Building Where a 5-Foot Landscaped Area Is Required – The Project Is Located at 24331 Mission Boulevard between Pinedale Court and Sycamore Avenue in a Neighborhood Commercial Residential (CN-R) District**

RECOMMENDATION:

Staff recommends that the Planning Commission

1. Approve the Negative Declaration;
2. Approve the Administrative Use Permit to allow a restaurant to abut a residential district subject to the attached findings and conditions of approval;
3. Approve the Variance Application subject to the attached findings and conditions of approval to:
 - a. Locate the building on the front property line where a 10-foot setback is required;
 - b. Allow a parking space adjacent to a building where a 5-foot landscape area is required; and
4. Approve the Tentative Map as a condominium subdivision consisting of six residential units and one commercial building subject to the attached findings and conditions of approval.

DISCUSSION:

The proposal is to construct 6 residential condominium units adjacent to and above a portion of a 7,200-square-foot restaurant. The administrative use permit application is required to allow a restaurant to abut a residential zoning district. The variance application is required to request a zero front yard setback where 10 feet is required and to allow a parking stall to be located adjacent to a building without the separation of the required 5 feet of landscaping.

To the north and south of the site are single-story commercial buildings with multiple tenants. To the west is a single-family neighborhood and to the east, across Mission Boulevard, is Hayward Memorial Park.

Administrative Use Permit

Site and Building Design:

This site is occupied by three single-family structures constructed between 1906 and 1922, with ancillary garages and sheds, and one commercial building constructed in 1935. All would be removed to accommodate the proposed development. The structures that would be demolished would not qualify for designation as historic structures as they are not identified with the lives of historic people or important events; they are not particularly representative of an architectural style or way of life, and do not contain elements demonstrating outstanding attention to design, detail, materials or craftsmanship; and they are examples of types of buildings still common.

A 50-inch diameter California Pepper tree would be preserved, however there are 2 other pepper trees, which are in poor condition (28 and 30 inches in diameter), 2 avocado trees also in poor condition (10 and 12 inches in diameter), 1 Glossy Privet tree (a bush-like tree 10 inches in diameter) and 7 smaller fruit trees that would be removed as part of this development. The developer would mitigate the loss of these trees by providing replacement trees of like value. There is a sufficient amount of landscaped areas to plant the replacement trees on-site. The City Landscape Architect has determined that the trees that would be removed are not in the best condition and their intertwined branches and roots would make it impossible to relocate them.

There is a small off-shoot of Ward Creek located on the north side of the property. Approximately 50 feet of the creek is underground within a pipe and then surfaces into a small open channel. The project does not involve any modification to this creek.

The proposed building is an "L-shaped" design with the restaurant located along Mission Boulevard in line with the adjacent commercial uses. The three-story residential element would be located behind the restaurant along the southern property line acting as a buffer between the commercial aspect of the development and the single-family subdivision to the west. One driveway would serve the project accessing the parking areas that are principally located behind the restaurant structure. To enhance the parking lot the applicant is proposing to use decorative pavers within the parking stall areas.

The restaurant would include a lobby, restrooms, kitchen, a 3,900-square-foot interior dining area and a 1,300-square-foot patio dining area with a seating capacity of 102. A condition of approval would limit the restaurant hours to 7:00 a.m. to 10:00 p.m. as required by the regulations of the zoning district. No request of alcoholic beverages has been proposed. Any such request in the future would be require the operator to obtain the proper approvals and licensing.

The building along the Mission Boulevard frontage would be predominately a long single-story arcade with a series of arches capped with a Spanish tile roof. The numerous offsets, raised planters, trellises and varied roof design soften the Mission Boulevard elevation. There would be a trellis that crosses over the driveway emphasizing the driveway entrance. Decorative metal would be used throughout the project especially for deck railing and security fencing. The restaurant exterior dining courtyard would include a fountain underneath the canopy of the Pepper tree. The proposed architecture has incorporated many of the elements suggested in the Mission Corridor Special Design District by utilizing tile roofing, a stucco building exterior, an arcade, exposed wood beams, fountains and trellis work.

The residential portion of the building would be three stories high with two stories of living area above reserved gated parking. An elevator for the residents would provide access from the ground floor lobby to second floor. All units would have kitchens, living room/dining room areas, 160 square-foot decks on the third floor, laundry facilities, and 190-cubic-foot storage areas located in the garage.

The two end units consist of two bedrooms and a study that could be used as a third bedroom, two-and-a-half baths, a 90-square-foot patio on the second floor and a 650-cubic-foot storage area. The four interior units each have two bedrooms, two-and-a-half baths and a 190-square-foot patio on the second floor with a 240-cubic-foot storage area. The private open space provided exceeds the zoning requirements. At the southwest corner of the property, between the residential building and the rear property line, the developer would provide a group open space for exclusive use by the residents. A 600 square foot group open space is required for a project this size; the applicant is proposing a 1,250-square-foot group open space area. A condition of approval requires that open space amenities such as picnic tables and barbeques be installed prior to completion of the project. The residents also have the option of utilizing the lawn areas, tennis courts, and an indoor swimming pool within Hayward Memorial Park located directly across Mission Boulevard.

Allow a Restaurant to Abut a Residential District:

The restaurant use is located along the Mission Boulevard frontage in-line with other commercial buildings and uses. The restaurant is separated from the existing residential homes by the condominium building and a parking lot. An 8-foot-high decorative masonry wall is proposed along the rear property line to help attenuate noise from the parking lot and to provide a more secure separation from the commercial use and the residential use. The landscaped area along the rear property line will be heavily planted with evergreen trees to aide in providing privacy to the existing single-family homes behind the project. It is staff's opinion that the proposed use and project design meets the intent of the Zoning Ordinance, the General Plan and the type of development envisioned for this area.

Variance

The applicant is requesting two variances. The first is to locate the proposed building on the front property line where a 10-foot setback is required; the second is to allow a parking space adjacent to a building where a 5-foot landscaped area is required.

Locate the building on the front property line where a 10-foot setback is required:

Most of the adjoining properties were constructed prior to the City adopting a zoning ordinance. All the buildings on this block were constructed on the front property line except for the Jack-in-the-Box restaurant which has a 10-foot front yard setback.

Over the years this area has undergone changes to the general plan and zoning designations in an effort to better mesh residential and commercial uses and to encourage residential development over commercial. A by-product of the rezoning was the implementation of a 10-foot front yard setback that was not required under the previous zoning. With the offsets and arcade design, only about 25 percent of the building would actually be on the front property line. Developing the proposed building to the front property line is consistent with the other development along this section of Mission Boulevard.

The City and State have been exploring solutions to improving traffic flow through Hayward. One of those designs, Route 238 Corridor Improvement Project, would include modifications to improvements along portions of Mission Boulevard. Although no plan has been approved yet, the most likely design does not include any taking of right-of-way across the development property frontage.

The current zoning requires a 20-foot building setback along the rear property line. Maintaining a 10-foot front yard setback in conjunction with the rear 20-foot setback on this shallow lot limits the developable portion of the property.

The Pepper tree to be saved is located near the center of the property constraining the development design. In addition, the off-shoot of Ward Creek, located along the north property line, would remain untouched and contributes to the property from being developed to its fullest potential.

Allow a parking space adjacent to a building where a 5-foot landscape area is required:

The front of 1 handicap stall located near the entrance of the residential parking garage abuts the building and the loading space for that parking stall is 3.5 feet from the building.

These two sides do not provide the 5-foot-wide landscape area required by the City's Off-Street Parking Ordinance. The parking and circulation design has been greatly impacted by the preservation of the Pepper tree and creek. It is staff's opinion that the preservation of these natural features overrides the need to place landscaping around the parking stall. A bumper block would be required to be installed within the handicap stall to protect the building.

Strict application of the current ordinance regarding all the variance matters would deprive this property owner of privileges enjoyed by other properties in the vicinity under the same zoning classification and therefore would not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.

Tentative Tract Map

A tentative tract map is required to create the seven condominiums, six residential units and one commercial unit. The conditions of approval will require the developer to create a homeowners/commercial association and conditions, covenants and restrictions (CC&R's). The homeowners/commercial association will consist of the six condominium owners and the owner of the restaurant. If the tentative map is approved a final map would have to be approved and filed with the Alameda County Recorder.

Environmental Review

An initial study and negative declaration have been prepared in accordance with the California Environmental Quality Act (CEQA) and it has been determined that this project will not result in any significant impact to the environment.

A 50-inch diameter California Pepper tree would be preserved. There are five smaller trees and seven fruit trees that are proposed to be removed. The City Landscape Architect has determined that the trees to be removed are not in the best condition and their intertwined branches and roots would make it impossible to relocate them. The developer would mitigate the loss of these trees by providing replacement trees of like value. There is a sufficient amount of landscaped areas to plant the replacement trees on-site.

There are three residential structures and one commercial building that would be demolished to accommodate this development. The structures would not qualify for designation as historic structures as they are not identified with the lives of historic people or important events; they are not particularly representative of an architectural style or way of life, and do not contain elements demonstrating outstanding attention to design, detail, materials or craftsmanship; and they are examples of types of buildings still common.

Conditions of approval require that the developer submit an arborist report, noise study and geotechnical report and implement the recommendation of these reports in the project design prior to approval of the building permit.

Public Hearing Notice

On April 28, 2004, a Notice of Public Hearing was mailed to every property owner and occupant within 300 feet of the property as noted on the latest assessor's records. Three responses were received objecting to the proposed development. The issues cited were the following:

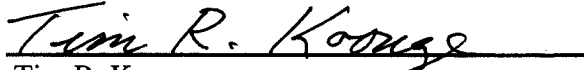
- Maintaining privacy and security for the single-family homes to the West:
One of the condominium units would be facing the west property line. There are 6 existing single-family parcels that abut the project's rear property line. Of those, only two properties are directly behind the proposed building and the homes on those properties are setback over 35-feet from the rear property line. The proposed building would be setback 20-feet from the rear property line which is similar to setback requirements of all single-family development, including the homes to the west. There would be 2 bedroom windows and 1 living room window facing the west property line. Staff recognizes that the proposed development is a three-story building and as such has added a condition that the west property line be planted with a screen of evergreen trees. To help maintain privacy and security the developer would be required to install an 8-foot-high decorative wall along the rear property line.
- Demolition of the older existing homes:
There are three residential structures and one commercial building that would be demolished to accommodate this development. The structures do not qualify for designation as historic structures and do not contain elements demonstrating outstanding attention to design, detail, materials or craftsmanship. Staff has determined that none of the older homes have significant historical or architectural value that would lead to preservation.
- Increase of traffic being detrimental to the neighborhood:
The City's Transportation Services Division reviewed the project and determined that it would not produce a significant increase in traffic. In addition, the single driveway would limit the conflict points along Mission Boulevard, limiting the impact the site would have on the traffic flow.

Conclusion

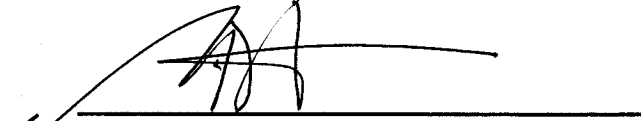
It is staff's opinion that the proposed project meets the intent of the Zoning Ordinance, the General Plan and the type of development envisioned for this area. The current zoning was implemented to encourage residential development over commercial uses. The building design is consistent with the Spanish design specified in the Special Design District.

The variances to the 10-foot front yard setback and the landscaping around the parking stall are justified in that other properties in the vicinity under the same zoning classification enjoy these designs so granting this developer those same latitudes is not granting a special privilege. The front setback, in conjunction with the rear 20-foot setback, on this long shallow parcel would severely limit the developable portion of the property and prohibit it from being developed to the potential envisioned by the General Plan and the Neighborhood Plan, in addition, the preservation of the Pepper tree and creek pose physical constraints in developing this property.

Prepared by:

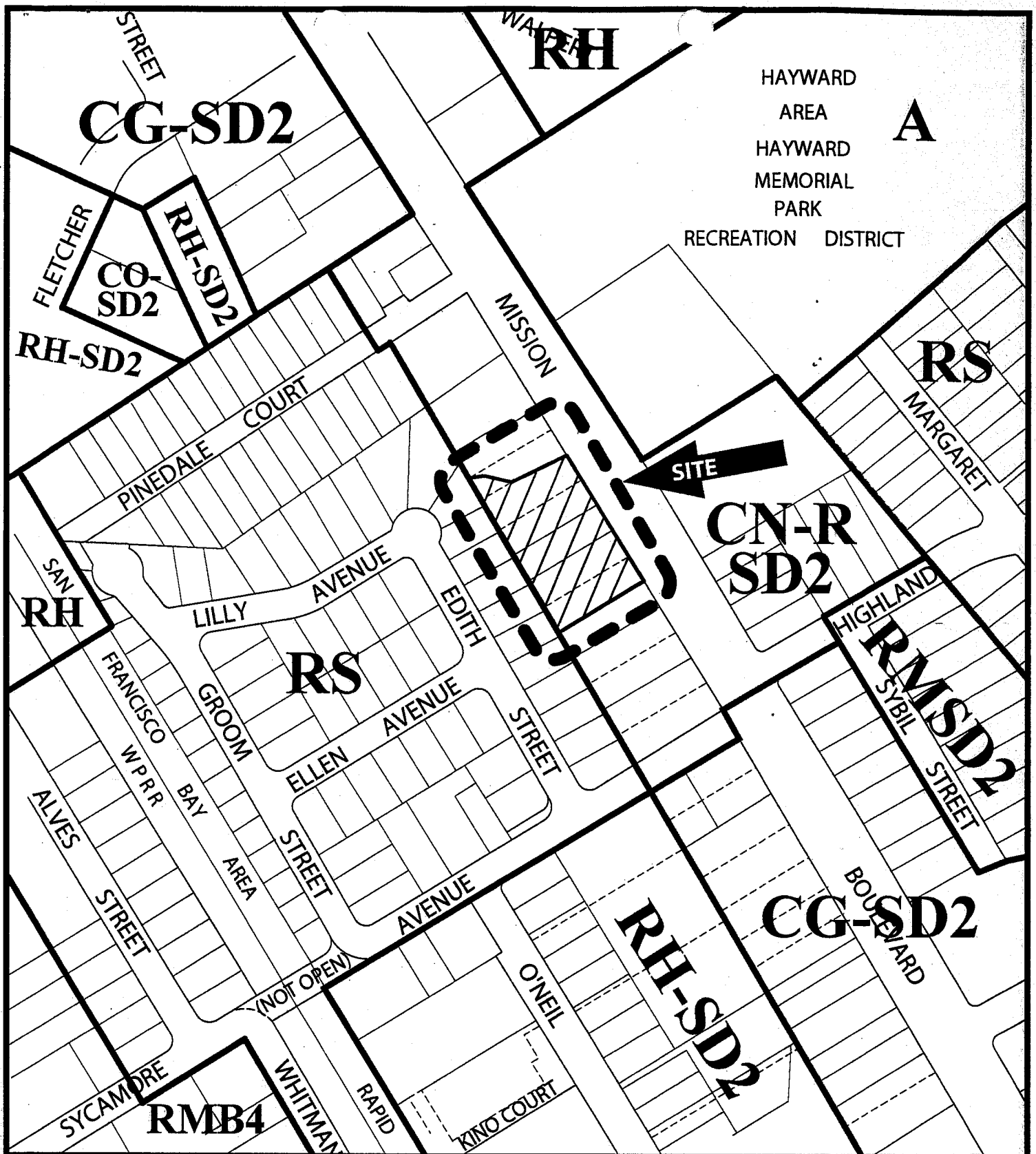

Tim R. Koonze
Assistant Planner

Recommended by:


Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area Map
- B. Negative Declaration and Initial Study
- C. Findings of Approval for Administrative Use Permit No. PL-2004-0473 / Variance PL-2004-0471
- D. Conditions of Approval for Administrative Use Permit No. PL-2004-0473 / Variance PL-2004-0471
- E. Findings of Approval for Tentative Tract Map 7542
- F. Conditions of Approval for Tentative Tract Map 7542
Plans - Administrative Use Permit No. PL-2004-0473 / Variance PL-2004-0471
Tentative Tract Map 7542



HAYWARD
AREA
HAYWARD
MEMORIAL
PARK
RECREATION DISTRICT

Area & Zoning Map

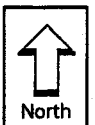
PL-2004-0178 SPR

Address: 24331 Mission Boulevard

Applicant: Dave Ruffin, AIA

Owner: Mayar Properties, Ltd.

A-Agricultural-ABSA,AB10A,AB100A,AB160A
CG-General Commercial
CN-Neighborhood Commercial
CN-R-Neighborhood Commercial-esidential
CO-Commercial Office
RH-High Density Residential RHB 7
RM-Medium Density Residential RMB 3.5, RMB 4
RS-Single-Family Residential,RSB4,RSB6
SD-Special Design





**DEPARTMENT OF
COMMUNITY AND ECONOMIC DEVELOPMENT
Planning Division**

NEGATIVE DECLARATION

Notice is hereby given that the City of Hayward finds that no significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

I. PROJECT DESCRIPTION:

Request to Construct Six Residential Condominium Units Above a 7,200-Square-Foot Restaurant Located on the Front Property Line Where a 10 foot Setback is Required and to Allow a Parking Space to be Adjacent to a Building Where a 5-Foot Landscaped Area is Required and to Allow Shared Parking Between the Residential Units and the Restaurant

II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:

The proposed project will have no significant effect on the area's resources, cumulative or otherwise.

III. FINDINGS SUPPORTING DECLARATION:

The project application has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Checklist Form has been completed for the proposed project. The Initial Study has determined that the proposed project could not result in significant effects on the environment.

IV. PERSON WHO PREPARED INITIAL STUDY:

Tim R. Koonze

Tim R. Koonze, Assistant Planner

Dated: 8/12/04

V. COPY OF INITIAL STUDY IS ATTACHED

For additional information, please contact the City of Hayward Development Review Services Division, 777 B Street, Hayward, CA 94541-5007 or telephone (510) 583-4207



Environmental Checklist Form

1. Project title: PL-2004-0178 SPR / PL-2004-0471 VAR / PL-2004-0473 AUP / Tentative Tract Map 7542
 2. Lead agency name and address:
City of Hayward, 777 B Street, Hayward, CA 94541
 3. Contact person:
Tim R. Koonze, Assistant Planner (510)583-4207, tim.koonze@hayward-ca.gov
 4. Project location: 24331 Mission Boulevard
 5. Project sponsor's name and address: Mayar Properties (Applicant/Owner) - 28066 Thackery Avenue, Hayward, CA 94544, Khatri Mayar, Representative
 6. General Plan designation:
Commercial High Density
 7. Zoning:
Neighborhood Commercial -Residential
 8. Description of project:
Request to Construct Six Residential Condominium Units Above a 7,200 Square-Foot Restaurant Located on the Front Property Line Where a 10 foot Setback is Required and to Allow a Parking Space to be Adjacent to a Building Were a 5-Foot Landscaped Area is Required and to Allow Shared Parking Between the Residential Units and the Restaurant
 9. Surrounding land uses and setting:
North / South - Commercial
West – Single-family Residential
East – Public Park and Recreation
-
10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.) Alameda County Flood Control and Water Conservation District

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|--|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffi |

☐ Utilities / Service
Systems

☐ Mandatory Findings of Significance

DETERMINATION: On the basis of this initial evaluation:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Tim R. Koonze
Signature

8/12/04
Date

Tim R. Koonze
Printed Name

City of Hayward
Agency

EVALUATION OF ENVIRONMENTAL IMPACTS
AND USE OF ENVIRONMENTAL CHECKLIST:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3) (D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance

ENVIRONMENTAL ISSUES:

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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I. AESTHETICS -- Would the project:

a) Have a substantial adverse effect on a scenic vista?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project consists of a Spanish ranch style building that will enhance the site and the neighborhood. No vistas will be affected.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The project will preserve a 50-inch California Pepper tree and has incorporated an outdoor dining area under its canopy to take advantage of its natural beauty. There are three other smaller trees that will be removed and replaced with trees of equal value per the City's Tree Preservation Ordinance.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The project includes razing of a commercial building, and three single-family structures and their ancillary buildings, and replacing them with a Spanish ranch style building that will enhance the site and the neighborhood.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project will not be a significant source of substantial light or glare which would adversely affect views in the area since the lights will be lights common to restaurants and residential living. The building is designed with an arbor that will shade the windows of the restaurant. The residential portion is designed to primarily face an internal courtyard that is not highly visible beyond the complex. There are no residential units on the first floor, therefore, the units will not be affected by the headlights from passing vehicles on Mission Boulevard.

Potenti ally Signific ant Impact	Potentially Significant Unless Mitigation Incorporat ion	Less Than Signific ant Impact	No Impact
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II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project site is not within a farmland area.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The commercial/residential mixed use development is consistent with the Zoning Ordinance, General Plan and the Mission-Foothills Neighborhood Plan. The project is not located in an agricultural district or in an area used for agricultural purposes. The Hayward Memorial Park located on the other side of Mission Boulevard is in an Agricultural District; however, the park will not be affected by this project.

c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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See II b.

Potenti ally Signific ant Impact	Potentially Significant Unless Mitigation Incorporat ion	Less Than Signific ant Impact	No Impact
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III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Data provided by the Bay Area Air Quality Management District indicate that the ozone level in Hayward for 2004 has not exceeded either California or federal standards. The project is located on State Highway 238 and it has been determined that the proposed development will not cause a significant increase in traffic flow. Therefore, the project will not significantly negatively affect air quality.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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See III a).

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? *Any impacts to air quality will be temporary lasting during the construction phase. The site will require demolition of existing buildings and grading. However, the applicant is required to implement means of reducing air pollution associated with grading and construction. See III a).*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
d) Expose sensitive receptors to substantial pollutant concentrations? <i>See III a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people? <i>See III a. Construction equipment will be used and exhaust will be created. Any impacts to air quality will be temporary lasting during the construction phase.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IV. BIOLOGICAL RESOURCES -- Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? <i>This project is not anticipated to impact species that are classified as sensitive or have special status. The project is an urban infill project that is surrounded by residential and commercial development and an urban drainage channel that is partially subterranean. There are no modifications proposed for the exposed portions of the drainage channel.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? <i>See IV a).</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? <i>See IV a).</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potenti ally Signific ant Impact	Potentially Significant Unless Mitigation Incorporat ion	Less Than Signific ant Impact	No Impact
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? <i>See IV a).</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? <i>A 50-inch California Pepper tree will be preserved. Two other pepper trees (28 and 30 inches), two avocado trees (10 and 12 inches), one Laurel tree (10 inches) and seven smaller fruit trees are proposed to be removed and the developer will be required to comply with the City's Tree Preservation Ordinance in terms of providing replacement trees of like value.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? <i>The project is in an urban area and is an in-fill project. It will not conflict with any habitat conservation plan.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

V. CULTURAL RESOURCES -- Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? <i>No known historical resources exist on-site.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? <i>Archaeological resources are not a factor at this site. The property was previously developed. If some should become discovered, appropriate action will occur.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potenti ally Signific ant Impact	Potentially Significant Unless Mitigation Incorporat ion	Less Than Signific ant Impact	No Impact
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c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

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☐
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No known paleontological resources exist on-site.

d) Disturb any human remains, including those interred outside of formal cemeteries?

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☐
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☒

If previously unknown resources are encountered during grading activities, this could result in a potentially significant impact. The project will adopt standard mitigation measures in connection with potential archaeological resources. Any cultural remains or discovered during the course of project work will be treated as an inadvertent discovery and procedures specified at 36 CFR §800.13 will be followed. Any Native American Graves Protection and Repatriation Act related discoveries made during the course of landscape modification will be handled with reference to a "Plan of Action" which will be developed. Any Native American cultural resources concerns involving traditional cultural properties or sacred sites will be duly considered prior to ground disturbance. Implementation of these mitigation measures will ensure that the project has a less than significant impact related to cultural resources. The project will have a less than significant impact related to cultural resources.

Potenti ally Signific ant Impact	Potentially Significant Unless Mitigation Incorporat ion	Less Than Signific ant Impact	No Impact
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VI. GEOLOGY AND SOILS -- Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: *A portion of the project is within the Earthquake Hazard Zone and in accordance with the State Mining and Geology Board prior to issuance of a building permit a geologic report defining and delineating any hazard of any surface fault rupture. The property is outside the 100-year flood zone (Zone C). The structures will meet Uniform Building and Fire Codes. Building permits will be required.*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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(See VI a.)

ii) Strong seismic ground shaking?

The project is located within a State of California Earthquake Fault Zone. A geological report will be prepared and structures will be required to comply with the recommendation of that report as well as the Uniform Building Code Standards to minimize seismic risk due to ground shaking. (See VI a).

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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iii) Seismic-related ground failure, including liquefaction? *Liquefaction and differential compaction is not considered to be a significant issue on this site.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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iv) Landslides? *The project is not located within an area subject to landslides.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Result in substantial soil erosion or the loss of topsoil? <i>The project is within an urban setting that is developed with residential and commercial buildings; areas will be paved and covered with driveways, walkways, parking stalls, buildings and landscaped areas. No substantial soil erosion or loss of topsoil is anticipated.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? <i>The project is not located within an area subject to landslides or unstable soils.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? <i>(See VI a.)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? <i>The project will be connected to City of Hayward sanitary sewer system.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VII. HAZARDS AND HAZARDOUS MATERIALS -

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? <i>There will be no use of hazardous materials other than typical household and restaurant hazardous materials. Standard methods of disposal will be implemented. Therefore, there is no anticipation that the project will create a significant hazard to the public or the environment through use of hazardous materials.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? <i>See VII a).</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? <i>See VII a).</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? <i>See VII a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? <i>The site is not located within an airport land use plan.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? <i>See VIII e.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? <i>The project will not interfere with any known emergency response plan or emergency evacuation plan. The Hayward Fire Department serves the neighborhood where the project is to be implemented. Emergency response times will be maintained.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? <i>The project is an urban in-fill development and it is not subject o wildfires.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potenti ally Signific ant Impact	Potentially Significant Unless Mitigation Incorporat ion	Less Than Signific ant Impact	No Impact
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VIII. HYDROLOGY AND WATER QUALITY -- Would the project:

a) Violate any water quality standards or waste discharge requirements? *The restaurant and residential project will meet all water quality standards.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Water to the site will be served by the City of Hayward, which will monitor to ensure that water quality standards will not be violated and groundwater supplies will not be depleted. Furthermore, recharge of the groundwater table will not be affected.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The open drainage channel adjacent will not be affected by this development. On-site drainage is such that the project will not result in substantial erosion or siltation on-or off-site as the current drainage pattern will not be altered.

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project is within an urban area and has been developed as such. Drainage patterns on the site will not be altered.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? <i>The site was previously developed. The amount of run-off from the project is not anticipated to increase and will not exceed the capacity of the storm water drainage system. See VIII d).</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality? <i>See VIII d.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? <i>According to FEMA Flood Insurance Rate Maps, the 100-year flood hazard area does not include this site. (Panel 065033 0003E, February 9, 2000)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? <i>See VIII g.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? <i>See VIII g.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? <i>The project is not in a location that is susceptible to these phenomena.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
IX. LAND USE AND PLANNING - Would the project:				
a) Physically divide an established community? <i>This is a residential/commercial project adjacent to residential and commercial projects.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? *The General Plan matrix indicates that the residential project is consistent with the General Plan. The Neighborhood Commercial Residential zoning district encourages residential units over commercial uses. The proposed project meets those goals. Findings support a zero-foot front yard setback where the ordinance requires 10-feet, in that preservation of a 50-inch California Pepper tree constitutes physical limitations of the property and that denying the variance deprives the property owner of privileges enjoyed by others in the vicinity and zoning in which the property is situated*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

The project abuts residential and commercial uses and the zoning district encourages residential units over commercial uses.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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X. MINERAL RESOURCES -- Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

The project will not result in a significant impact to mineral resource. The project is an in-fill project within an urban setting.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

See X a.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XI. NOISE - Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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An increase in noise levels is expected to occur during the construction phase of the project. The Municipal Code restricts the hours that construction may occur in order to reduce impacts on adjacent properties. Once established, exposure of persons to or generation of any new noise or noise levels is not expected to occur in excess of standards established in the Noise Element of the Hayward General Plan or the Municipal Code.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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An acoustical report shall be prepared for the site which indicates any mitigation which needs to be incorporated within the building plans to bring the residential units into compliance with City noise standards.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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See XI b.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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See XI a.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project is not within a flight path for an airport. Therefore, the noise level is not expected to expose people residing therein to excessive airplane noise levels.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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See XI e.

XII. POPULATION AND HOUSING -- Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project is within a well established commercial area therefore it is not anticipated to induce substantial population growth.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project proposes to remove three single-family structures and one commercial building and replace them with six condominium units over a commercial use. There is no net loss of housing.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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See IX b.

XIII. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

	Potenti ally Signific ant Impact	Potentially Significant Unless Mitigation Incorporat ion	Less Than Signific ant Impact	No Impact
Fire protection? <i>The project would not result in the provision of new or physically altered governmental facilities, as the project proposes to remove three single-family structures and one commercial building and replace them with six condominium units over a commercial use thus the needs fire department service ratios or response times will not change.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection? <i>The project would not result in the provision of new or physically altered governmental facilities as the project proposes to remove three single-family structures and one commercial building and replace them with six condominium units over a commercial use thus the needs police department service ratios or response times will not change.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools? <i>According to the Hayward Unified School District's Student Generation Factors the three existing single-family dwellings would generate 1.5 students. The proposed six condominiums will generate 1.0 student; therefore, this project will not generate an increase in students.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks? <i>The project will be served by the Hayward Area Recreation and Park District. A park dedication fee is required to be paid prior to the connection of utilities to the new buildings which is intended to add to or to obtain additional park services.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities? <i>No other public facilities will be significantly impacted.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potenti ally Signific ant Impact	Potentially Significant Unless Mitigation Incorporat ion	Less Than Signific ant Impact	No Impact
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XIV. RECREATION --

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The Hayward Area Recreation and Park District are currently serving the entire neighborhood. Park Dedication In-Lieu fees will be generated by this project that will be used toward improvements to existing parks in the area or acquisition of additional parklands.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The residents will be using the recreational facilities that are at the Hayward Memorial Park located across Mission Boulevard. This project will not create a need for construction or the expansion of recreational facilities.

XV. TRANSPORTATION/TRAFFIC -- Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project is located on State Highway 238 and the City's Transportation Services' Division has determined that the proposed development will not cause a significant increase in traffic flow.

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No.

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c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks? <i>This project will not affect air traffic in any way.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? <i>The project will comply with the Uniform Building and Fire Codes.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access? <i>See XVd).</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity? <i>The project conforms to the City's Off-Street Parking.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? <i>The project does not conflict with adopted policies supporting alternative transportation.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVI. UTILITIES AND SERVICE SYSTEMS - Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? <i>Wastewater treatment requirements are under the purview of the City of Hayward, which has the capacity to serve the project.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Water and wastewater treatment requirements are under the purview of the City of Hayward, which has the capacity to serve the project.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The existing storm drain system has the capacity to serve the project.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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See XVI.b)

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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See XVI.b)

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Waste Management of Alameda County will dispose the solid waste. The Altamont landfill is available to the City of Hayward until 2009 and has sufficient capacity to handle the amount of solid waste generated by the project. The landfill recently received an approval that increases the capacity and adds 25 years to the life of the landfill to the year 2034.

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g) Comply with federal, state, and local statutes and regulations related to solid waste?

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The project will participate in the Waste Management of Alameda County recycling program and shall comply with its regulations.

<i>Potenti ally Signific ant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporat ion</i>	<i>Less Than Signific ant Impact</i>	<i>No Impact</i>
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XVII. MANDATORY FINDINGS OF SIGNIFICANCE --

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**CITY OF HAYWARD
PLANNING DIVISION**

September 23, 2004

Administrative Use Permit No. PL-2004-0473 / Variance PL-2004-0471 / Tentative Tract Map 7542 – Khalid Mayar (Applicant/Owner) – Request to Construct Six Residential Condominium Units Adjacent to and Above a Portion of a 7,200-Square-Foot Restaurant Located on the Front Property Line Where a 10-Foot Setback Is Required and to Allow a Parking Space Adjacent to a Building Where a 5-Foot Landscaped Area Is Required

The Project Is Located at 24331. Mission Boulevard between Pinedale Court and Sycamore Avenue in a Neighborhood Commercial Residential (CN-R) District

FINDINGS FOR APPROVAL:

- A. A Negative Declaration and addendum were prepared in accordance with the California Environmental Quality Act (CEQA) guidelines, which determined that the project could not have a significant effect on the environment.

Administrative Use Permit Findings

- B. The proposed use is desirable for the public convenience in that it provides a restaurant to conveniently serve the surrounding residential neighborhood and nearby motels.
- C. The proposed use will not impair the character and integrity of the zoning district and surrounding areas in that proposed mixed-use development compliments the commercial development along Mission Boulevard and the residential development to the west.
- D. The proposed use will not be detrimental to the public health; safety and welfare of the neighborhood in that the residential portion of the development buffers the commercial portion of the development from the existing residential neighborhood and conditions of restrict the hours of operation for the restaurant to 7:00 a.m. until 10:00 p.m.
- E. The proposed mixed-use development is in harmony with applicable city policies and the intent of the purpose of the zoning district involved in that the Zoning Ordinance, the Mission/Foothills Neighborhood Plan and the General Plan all encourage residential units to be constructed over commercial development.

Variance Findings

- F. There are special circumstances applicable to the property in that the shallow lot combined with front yard, rear yard, and creek setbacks create a building envelope that hinders the property from being developed in accordance with the intent of the Zoning Ordinance, the General Plan and the Mission/Foothills Neighborhood Plan, in addition, preservation of the 50-inch California Pepper tree restricts the building and parking layout.
- G. Strict application of the Zoning Ordinance deprives the property of privileges enjoyed by other property in the same vicinity under the same zoning classification in that adjacent buildings within the same zoning district are located at the front property line.
- H. To approve the building on the front property line where 10-feet is required and to allow parking adjacent to the building is consistent with the surrounding development and therefore compatible with the limitation upon other properties in the vicinity.

**CITY OF HAYWARD
PLANNING DIVISION**

September 23, 2004

Administrative Use Permit No. PL-2004-0473 / Variance PL-2004-0471 / Tentative Tract Map 7542 – Khalid Mayar (Applicant/Owner) – Request to Construct Six Residential Condominium Units Adjacent to and Above a Portion of a 7,200-Square-Foot Restaurant Located on the Front Property Line Where a 10-Foot Setback Is Required and to Allow a Parking Space Adjacent to a Building Where a 5-Foot Landscaped Area Is Required

The Project Is Located at 24331 Mission Boulevard between Pinedale Court and Sycamore Avenue in a Neighborhood Commercial Residential (CN-R) District

CONDITIONS OF APPROVAL:

1. Site Plan Review No. PL-2004-0178 / Variance No. PL-2004-0471 / Administrative Use Permit PL-2004-0473 are approved subject to the plans labeled Exhibit "A" and the conditions listed below. This permit becomes void two years after the effective date of approval, unless prior to that time a building permit application has been submitted and accepted for processing by the Building Official, or a time extension of this application is approved. A request for a one-year extension, approval of which is not guaranteed, must be submitted to the Planning Division at least 15 days prior to the above date.
2. If a building permit is issued for construction of improvements authorized by the site plan review approval, the site plan review approval shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance upon the site plan review approval.
3. The approval of this development is subject to the approval of Tentative Map No. 7542 and the associated conditions of approval. No building permit shall be issued for any structure within this application until the City Council has approved the final map and said map is recorded.
4. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
5. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning code, must be approved by the Planning Director prior to implementation.

6. The building permit submittal shall include the following:
 - a. A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plan set.
 - b. Provide a detail for the trash enclosure. The enclosure shall be covered and the design shall be of a Spanish style that compliments the proposed project.
 - c. Provide a detail of the 6-foot-high masonry wall that shall be constructed along the west property line. The wall shall have decorative columns and a cap of a Spanish design that compliments the proposed project. The design shall be approved by the Planning Director.
 - d. Provide a detailed landscaping and irrigation plan prepared by a licensed landscape architect. The design should include amenities for the group open space such as picnic tables and barbecues. Landscaping shall comply with the City's Water Efficient Landscape Ordinance.
 - e. Provide an arborist report giving species, caliper, health and value of each tree on the site. A tree removal permit is required prior to the removal of any tree 8" in diameter, or larger. The developer will be required to comply with the City's Tree Preservation Ordinance in terms of providing replacement trees of like value, as determined by the City Landscape Architect.
 - f. Provide a preservation plan to preserve the 50-inch California Pepper tree. The plans shall show preservation methods during and after construction. The plans shall be approved by the City's Landscape Architect.
 - g. An acoustical report shall be prepared for the site which indicates any mitigation which needs to be incorporated within the building plans to bring the residential units into compliance with City noise standards.
 - h. A geological and geotechnical report shall be submitted and structures required to comply with the recommendation of that report. The report shall meet the approval of the City Engineer and the Building Official.
7. Appropriate measures shall be taken to so that the offshoot of Ward Creek along the north property line shall remain undisturbed during the grading and construction operations. The protection measures shall be approved by the City Engineer and the City Landscape Architect.
8. Landscaped areas adjoining drives or parking areas shall be separated by a 6-inch high class B Portland Cement Concrete curb.

9. Prior to the sale of any unit, or prior to the acceptance of site improvements, whichever first occurs, a homeowners' association shall be created to maintain the parking lot, common area landscaping and open space amenities as depicted on the approved Tentative Map Tract 7542 and CC&Rs prepared for the project which shall be reviewed and approved by the Planning Director that shall include the following conditions:
- a. Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses.
 - b. A reserve fund shall be maintained to cover the costs of replacement and repair of the parking lot, driveways and common area landscaping.
 - c. The association shall be managed and maintained by a professional property management company.
 - d. The driveways and common areas shall be maintained in good repair, and free of debris at all times.
 - e. A requirement that the building exteriors and fences shall be maintained free of graffiti. The owner's representative shall inspect the premises on a weekly basis and any graffiti shall be removed within 48 hours of inspection or within 48 hours of notification by the City's Community Preservation Officer.
 - f. The homeowners' association shall maintain the common area irrigation system and maintain the common area landscaping in a healthy, weed-free condition at all times. The homeowner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30 percent dieback) shall be replaced within 10 days.
 - g. Landscaping and irrigation shall be maintained in all common areas or the City shall have the right to enter upon the property to maintain the exterior portions of the common area at the expense of the homeowners association per Section 10-3.385 of the Subdivision Ordinance.
 - h. A tree removal permit is required prior to the removal of any tree with a diameter of 8-inches or larger.
 - i. Trees shall not be severely pruned, topped, or pollarded and any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the Landscape Architect, within the timeframe established by the City and pursuant to the Municipal code.
 - j. A provision that if the homeowners' association fails to maintain the common area or parking lot, so that owners, their families, tenants, guests or adjacent owners suffer or will suffer substantial diminution in the enjoyment, use or property value of the project, the City of Hayward shall have the right to enter upon the project and to commence and complete such work as is necessary to maintain the common areas and parking lot, after reasonable notice, and lien the properties for their proportionate share of the costs.
 - k. Each resident shall participate in the City's recycling program.

- l. The covered parking spaces provided for the residential units shall be maintained for off-street parking. Storage, parking or placement of recreational vehicles, trailers or trailer-hauled boats is not allowed. Provisions shall be included for towing of unauthorized and illegally parked vehicles from the site.
 - m. The applicant or homeowners association shall maintain in good repair the building and trellis structures and all fencing, parking, common landscaping, lighting, trash enclosures, drainage facilities, project signs, etc. The CC&Rs shall include provisions as to a reasonable time period that the building shall be repainted, and the limitations of work (modifications) allowed on the exterior of the building, and the right of the homeowners association to have necessary work done and to place a lien upon the property if maintenance and repair of the unit is not executed within a specified time frame. The premises shall be kept clean.
10. The restaurant hours of operation shall be limited from 7:00 a.m. to 10:00 p.m.
 11. Utility meters, when not enclosed in a cabinet, shall be screened by either plant materials or decorative screen, allowing sufficient access for reading.
 12. Any transformer shall be located underground or screened from view by landscaping and shall be located outside any front or side street yard.
 13. Prior to final inspection all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
 14. Violation of these conditions or requirements may result in the City of Hayward instituting a revocation hearing before the Planning Commission.

Fire Department:

15. The driveway shall be modified to accommodate a fire apparatus and the trellis at the driveway entrance shall have minimum clearance of 13 feet-6 inches.
16. The interior parking and circulation shall be signed and the curbs painted red to meet Fire Department Standards. The design shall be approved by the Fire Department.
17. The gate access for the covered parking lot shall meet Fire Department Standards for automated gates.
18. The covered parking garage shall be equipped with fire hose outlets, interconnected to the buildings fire sprinkler system. The location of the outlets shall be approved by the Fire Department.
19. The building shall be equipped with a fire alarm system including smoke detectors.
20. Kitchen cooking equipment shall be protected with an automatic fire extinguisher system designed to and installed per NFPA 96 Standards.

21. Occupant load signage with appropriate seated occupant loads shall be properly posted in the restaurant.

Public Works – Utilities Division:

22. Add these comments to Plan Notes:
 - a. Water and Sewer Service available subject to standard conditions and fees in effect at time of application.
 - b. Provide keys/access code/automatic gate opener to utilities for all meters enclosed by a fence/gate as per Hayward Municipal Code 11-2.02.1.

Solid Waste & Recycling:

23. A Construction and Demolition Debris Recycling Statement must be submitted with the building permit application.
24. A Construction and Demolition Debris Recycling Summary Report must be completed, including weigh tags, at the COMPLETION of the project.

FINDINGS FOR APPROVAL TENTATIVE TRACT MAP 7542

1. The approval of Tentative Map Tract 7542, as conditioned, will have no significant impact on the environment, cumulative or otherwise. A Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA) guidelines, which determined that the project could not have a significant effect on the environment.
2. The vesting tentative tract map substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, the General Policies Plan, and the City of Hayward Zoning Ordinance.
3. The site is physically suitable for the proposed type of development.
4. The design of the subdivision and the proposed improvements are **not** likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
5. The design of the subdivision and the proposed improvements are **not** likely to cause serious health problems.
6. Existing streets and utilities are adequate to serve the project.
7. None of the findings set forth in Section 64474 of the Subdivision Map Act¹ have been made.

¹ The findings of Section 64474 set forth the grounds for denial of a tentative map which are as follows:

- (a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
- (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- (c) That the site is not physically suitable for the type of development.
- (d) That the site is not physically suitable for the proposed density of development.
- (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- (g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property with the proposed subdivision.

**CONDITIONS OF APPROVAL
TENTATIVE TRACT MAP 7542
For Condominium Purposes
24331 Mission Boulevard**

Unless otherwise stated, all necessary easements shall be dedicated, and all improvements shall be designed and installed at no cost to the City of Hayward.

All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Article 3, and Standard Specifications and Details – unless otherwise indicated hereinafter.

The applicant/developer's civil engineer shall perform all design work unless otherwise indicated.

PRIOR TO THE RECORDATION OF THE FINAL MAP

IMPROVEMENTS

Improvement plans shall be submitted to the City Engineer for review and approval. Subject plans shall, in addition to the standard improvements, incorporate the following special design requirements:

Mission Boulevard

1. New curb, gutter, sidewalk and tie-in paving, shall be installed along the project frontage of Mission Boulevard. Improvements shall conform to CalTrans and City Standard Details and shall be approved by the City Engineer.
2. The entry driveway shall be designed in conformance with City Standard SD-110, Sheet 2 of 2, and shall have handicap ramps on both corners.
3. The Developer/Contractor shall take every reasonable precaution to protect all underground electrical facilities, including those for street lights, traffic signal interconnect and traffic signal loop detectors during construction. All existing utility facilities and improvements damaged during construction shall be completely restored at the Developers/Contractors expense and to the satisfaction of the City Engineer.

Interior Parking Lot

4. The parking areas, as delineated on the site plan, shall be constructed from pervious pavement or pavers. The drive aisles may be constructed with impervious materials, or the pervious pavement or pavers may be extended throughout the entire parking lot. The Planning Director shall approve the material, color and design and the City Engineer shall approve the pavement section.

5. The onsite streetlights and pedestrian lighting shall have a decorative design approved by the Planning Director and the City Engineer. The locations of the lights shall be shown on the improvement plans and shall be approved by the City Engineer.
6. Upon any necessary repairs to the facilities under the on-site decorative paved areas, the City shall not be responsible for the replacement cost of the decorative paving. The replacement cost shall be borne by the homeowners association established to maintain the common areas within the project boundary.
7. The parking lot improvement plans shall be reviewed and approved by the Alameda County Public Works Agency.

Storm Drainage

8. The project storm drain system shall be a private system owned and maintained by the homeowners association.
9. The Hydrology and Hydraulics Criteria Summary, Alameda County Flood Control and Water Conservation District, latest edition shall be used to determine storm drainage runoff.
10. The project plans shall include storm water pollution prevention and control measures for the operation and maintenance of the project during and after construction for review and approval of the City Engineer. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted onsite to effectively prevent the entry of pollutants into storm water runoff. An inline treatment system may be installed along with the storm drain system, but it must include a provision for oil sorbent material to remove oil and grease from storm water runoff. The developer shall prepare a Maintenance Agreement (An example of a maintenance agreement is available on the web at: <http://www.stormwatercenter.net>) and the maintenance agreement shall be recorded with the Alameda County Records Office to ensure that the responsibility for maintenance is bound to the property in perpetuity. The developer shall also provide a statement formally transferring responsibility for maintenance and operation of the system to the Homeowners Association at the completion of the project.
11. A Storm Water Pollution Prevention Plan (SWPPP) showing how storm water quality will be protected during and after construction shall be reviewed and approved by the City Engineer.
12. The project plan measures shall also include erosion control measures to prevent soil, dirt, debris and contaminated materials from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.
13. The applicant/developer is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.

14. The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate all areas tributary to the project area. The developer is required to mitigate augmented runoffs with off-site and/or on-site improvements.
15. All storm drain inlets must be labeled "No Dumping - Drains to Bay" using City approved methods.

Sanitary Sewer System

16. Sanitary sewer service is available subject to standard conditions and fees in effect at the time of application.
17. Onsite sanitary sewer mains shall be located 6 feet from the face of curb within the private driveway.
18. Each residential unit shall have a separate sanitary sewer lateral. The restaurant shall have a separate sanitary sewer lateral with an integral grease interceptor.
19. All existing sanitary sewer laterals that are not to be reused shall be abandoned. The laterals shall be severed at the sewer main and the wyes shall be plugged using a mechanical plug. This work shall be done by City forces and will be paid for by the developer.
20. The developer must purchase additional sewer system capacity to accommodate the volume and waste strength of wastewater to be discharged from the project, at the rates in effect at the time of purchase, prior to discharge.

Water System

21. Water service is available subject to standard conditions and fees in effect at the time of application.
22. Water services shall be located 6 feet from sanitary sewer laterals.
23. Each residential unit and the restaurant shall be individually metered. The developer shall install individual radio read water meters.
24. A separate irrigation water meter shall be installed.
25. All existing water services to be abandoned shall be abandoned by turning off the corporation stop and cutting the existing line. This work shall be done under the direct supervision of the City Inspector.

Fire Protection

26. Fire Department requirements shall be as follows:

- a. The main aisleway shall be posted as a fire lane and no parking of vehicles shall be allowed on either side. Red curbing will be required for the entire length of the driveway. Signs shall be posted to allow towing of illegally parked vehicles to ensure adequate fire truck access.
- b. The main aisle way shall be designed and engineered to withstand 50,000 lbs. GVW of fire apparatus. In addition, where pavers or decorative concrete is being used, the installation shall also meet the same engineering and design.
- c. Addressing of the buildings shall be in agreement with the Hayward Fire Department. All buildings shall have legible and visible address numbers installed so as to be visible from the street. Minimum address numbers and locations of address numbers shall be determined by the Hayward Fire Department.
- d. One new fire hydrant shall be installed within the development. The type of fire hydrant shall be a double steamer, capable of flowing 2500 GPM at 20 PSI. The design and layout of the hydrants shall be reviewed and approved by the Fire Department prior to construction.
- e. Blue reflective pavement markers shall be installed at fire hydrant locations.
- f. If fire hydrants are located so as to be subjected to vehicle impact, crash posts shall be installed around the fire hydrant(s).
- g. Fire hydrants for the development shall be operational and in-service prior to the start of any combustible construction and /or storage of combustible construction materials.
- h. The building shall have an automatic fire sprinkler system installed in conformance with NFPA13 Standards, with an individual meter. The building shall have fire sprinkler protection within the garage and attic areas.
- i. Each building shall have a dedicated underground fire service line installed to support the fire sprinkler system. Fire department connection for the line shall be located at the street, or in a location as approved by the Fire Department.
- j. Control valves for each fire sprinkler system shall be locked in the open position with a chain and breakaway type lock.
- k. Each building shall have a local (exterior) alarm bell installed in an approved location and an interior alarm notification device that will activate upon fire sprinkler system waterflow.
- l. If a building system includes over 100 heads, central station monitoring will be required for the fire sprinkler systems.
- m. Smoke detectors shall be installed in each dwelling unit. Installation of the smoke detectors shall meet the State of California Building Code and shall be hard wired electrically with battery back up.

Hazardous Materials

27. Obtain an *Environmental and Health Based Clearance* from the California Regional Water Control Board – San Francisco Bay Region prior to the start of construction.

Utilities

28. All service to dwellings shall be an "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, SBC (phone) Company and local cable company regulations. All facilities necessary to provide service to the dwellings, including transformers and switchgear, shall also be undergrounded.
29. All utilities, including water mains, located underneath decorative paving or "turf block" shall be encased in steel sleeves.
30. All surface-mounted hardware (fire hydrants, electroliers, etc.) within the parking lot or along the public street shall be located outside of the sidewalk within the Public Utility Easement in accordance with the requirements of the City Engineer or, where applicable, the Hayward Fire Chief.
31. All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards.

Landscaping and Irrigation

32. Prior to the approval of improvement plans detailed landscaping and irrigation plans for all common areas shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the City's *Water Efficient Landscape Ordinance*.
33. Landscape improvements shall be installed according to the approved plans and a Certificate of Substantial Completion, and an Irrigation Schedule shall be submitted prior to the issuance of a Certificate of Occupancy.
34. Landscaping shall be maintained in a healthy, weed-free condition at all times. Plants shall be replaced when necessary. Required street, parking lot and buffer trees that are severely topped or pruned shall be replaced immediately, as determined by the City Landscape Architect.
35. Prior to the sale of any individual unit, or prior to the acceptance of tract improvements, whichever first occurs, a homeowners' association shall be created to maintain the common area landscaping and open space amenities. Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses. A reserve fund shall be maintained to cover the costs of replacement and repair of all improvements shown on the approved plans.
36. A covenant or deed restriction shall be recorded requiring the Homeowners Association to properly maintain the common landscaping and street trees, and to replace any dead or dying plant material (over 30% of the plant dead) within 10 days of first notification.

37. A separate tree removal permit is required prior to the removal of any tree. Replacement trees shall be required for any trees removed, as determined by the City Landscape Architect and the Tree Preservation Ordinance.
38. Where trellises are provided, lattice-work or other permanent methods shall be provided to allow vines to climb on the trellis work. Plant material shall be placed so as to screen all utilities without obstructing house numbers, signs, fire connections or other required visual cues.
39. The private yard or terrace of each unit shall be provided with a hose bib.
40. Minimum landscape areas shall be 5 feet in any direction. Upright trees shall be planted in the areas within the parking lot. The size and variety of trees shall be approved by the City Landscape Architect.

Dedications, Easements and Encroachment Permits

41. The final map shall reflect:
 - a. If a building court sewer main is installed, easements needed to accommodate the public portions of the sanitary sewer system. The easements shall be a minimum of 12 feet wide.
 - b. All abandonment's and granting of public right-of-way along Mission Boulevard.
 - c. Creation of a drainage easement over the portion of creek along the northerly property line if required by Alameda County Public Works and Flood Control.
42. Prior to the approval of the final map, all documents that need to be recorded with the final map, shall be approved by the City Engineer and any unpaid invoices or other outstanding charges accrued to the City for the processing of the subdivision application shall be paid.
43. An encroachment permit shall be obtained from CalTrans by the Developer/Contractor prior to commencement of any work within the public right-of-way of Mission Boulevard.

Subdivision Agreement

44. The developer shall execute a subdivision agreement and post bonds with the City that shall secure the construction of the public improvements per Section 10-3.332, Security for Installation of Improvements, of the Municipal Code. Insurance shall be provided per the terms of the subdivision agreement.

PRIOR TO CONSTRUCTION WITH COMBUSTIBLE MATERIALS

45. Required water system improvements shall be completed and operational prior to the start of combustible construction.

DURING CONSTRUCTION

46. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the Planning Director or City Engineer:

- a. Grading and construction activities shall be limited to the hours 8:00 AM to 5:00 PM on weekdays; there shall be no grading or construction activities on the weekend or national holidays;
- b. Grading and construction equipment shall be properly muffled;
- c. Unnecessary idling of grading and construction equipment is prohibited;
- d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
- e. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise;
- f. The developer shall participate in the City's recycling program during construction.
- g. Daily clean up of trash and debris shall occur along Mission Boulevard;
- h. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions;
- i. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;
- j. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
- k. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
- l. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);
- m. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.);
- n. Gather all construction debris on a regular basis and place them in a dumpster or other container that is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution;
- o. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work;
- p. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping;
- q. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place;
- r. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or in order to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash;
- s. Create a contained and covered area on the site for the storage of bags of cement,

- paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill;
- t. Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm drain or stream. See *"Building Maintenance/Remodeling"* flyer for more information;
 - u. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains; and
 - v. The applicant/developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.
47. A representative of the soils engineer shall be on the site during grading operations and shall perform such testing as deemed necessary by the City Engineer. The representative of the soils engineer shall observe grading operations with recommended corrective measures given to the contractor and the City Engineer.
48. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The subdivider shall require the soils engineer to daily submit all testing and sampling and reports to the City Engineer.

PRIOR TO CONNECTION OF UTILITIES AND ISSUANCE OF CERTIFICATES OF OCCUPANCY

49. The applicant/developer shall pay the following fees;
- a. Supplemental Building Construction and Improvement Tax;
 - b. School Tax; and
 - c. Park Dedication in-lieu fees for each unit. The amount of the fee shall be in accordance with the fee schedule in effect at the time building permit submittal.
 - d. Water Facilities Fee and Sewer Connection Fee for each dwelling unit at the rate in effect when the utility service permit for the dwelling unit is issued.
50. A reduced pressure backflow preventer shall be installed behind the water meter per City of Hayward Standard Detail 202.
51. Prior to granting occupancy, water services shall be installed by City crews at the developer's expense. The application for water services shall be presented to the City Inspector.
52. Prior to the City setting the water meters, the subdivider shall provide the Water Department with certified costs covering the installation of the public water mains and appurtenances.
53. All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.

54. The street light electroliers shall be in operating condition as approved by the City Engineer.

PRIOR TO CITY APPROVAL OF THE TRACT IMPROVEMENTS AS BEING COMPLETED

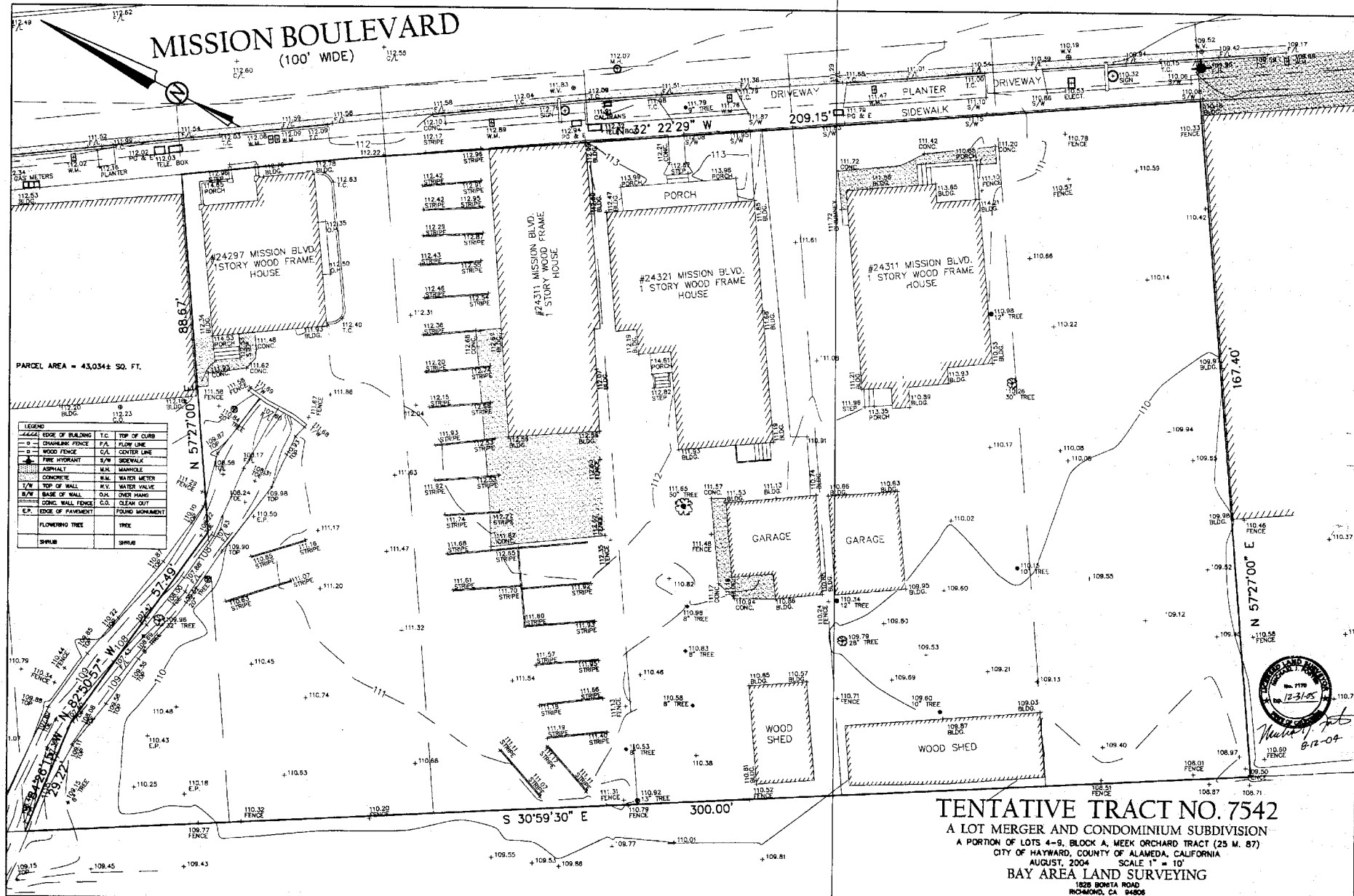
55. All tract improvements, including the complete installation of all improvements relative to streets, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.

56. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of 80 percent of the dwelling units, whichever first occurs.

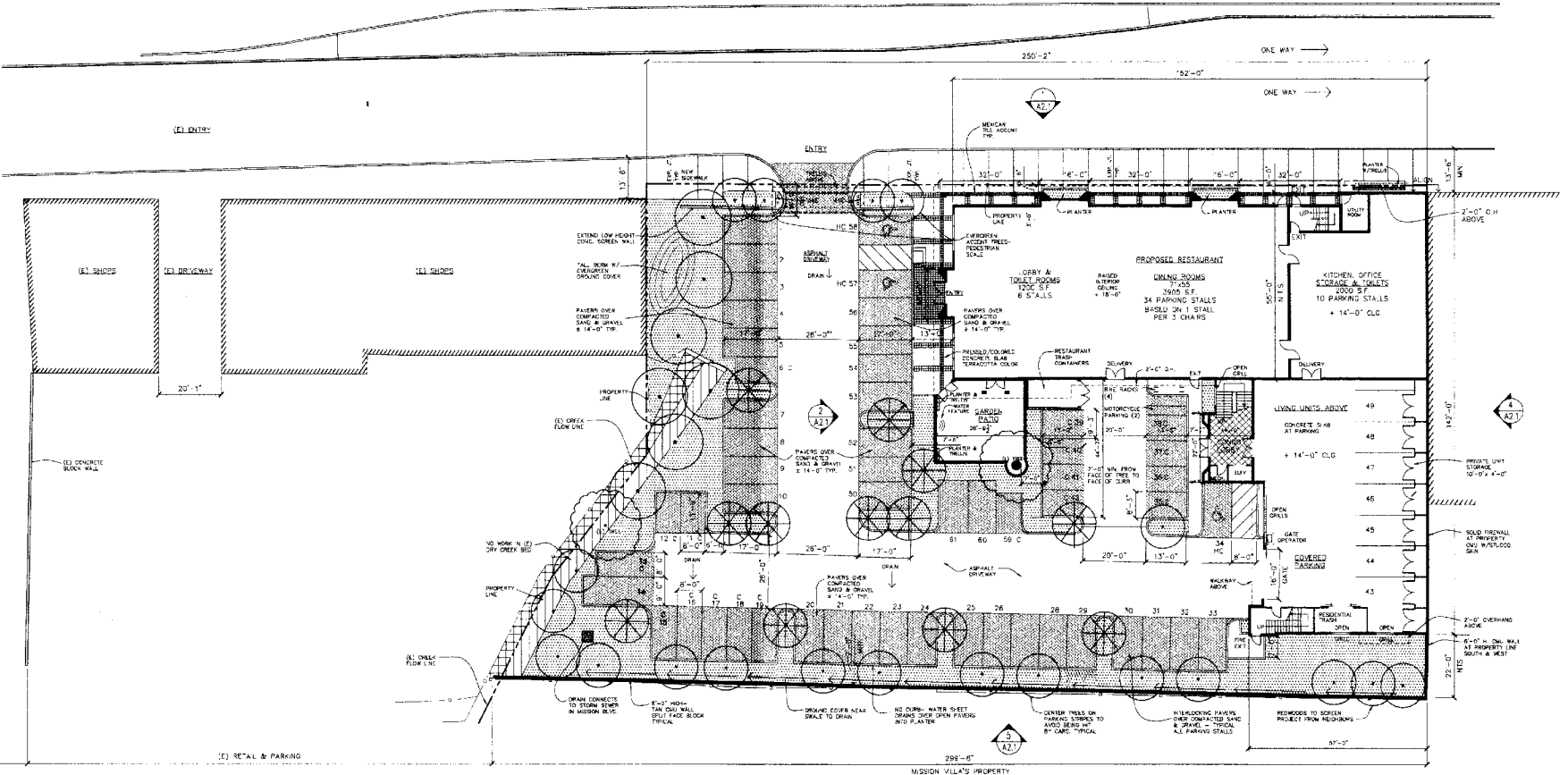
57. The improvements associated with the Pacific Gas and Electric Company, SBC (phone) company and local cable company shall be installed to the satisfaction of the respective companies.

58. The subdivider shall submit an "as built" plan indicating the following:

- a. All the underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric, SBC (phone) facilities, local cable company, etc; and;
- b. All the site improvements, except landscaping species, buildings and appurtenant structures.



MISSION BLVD



1 SITE PLAN
1/16" = 1'-0"

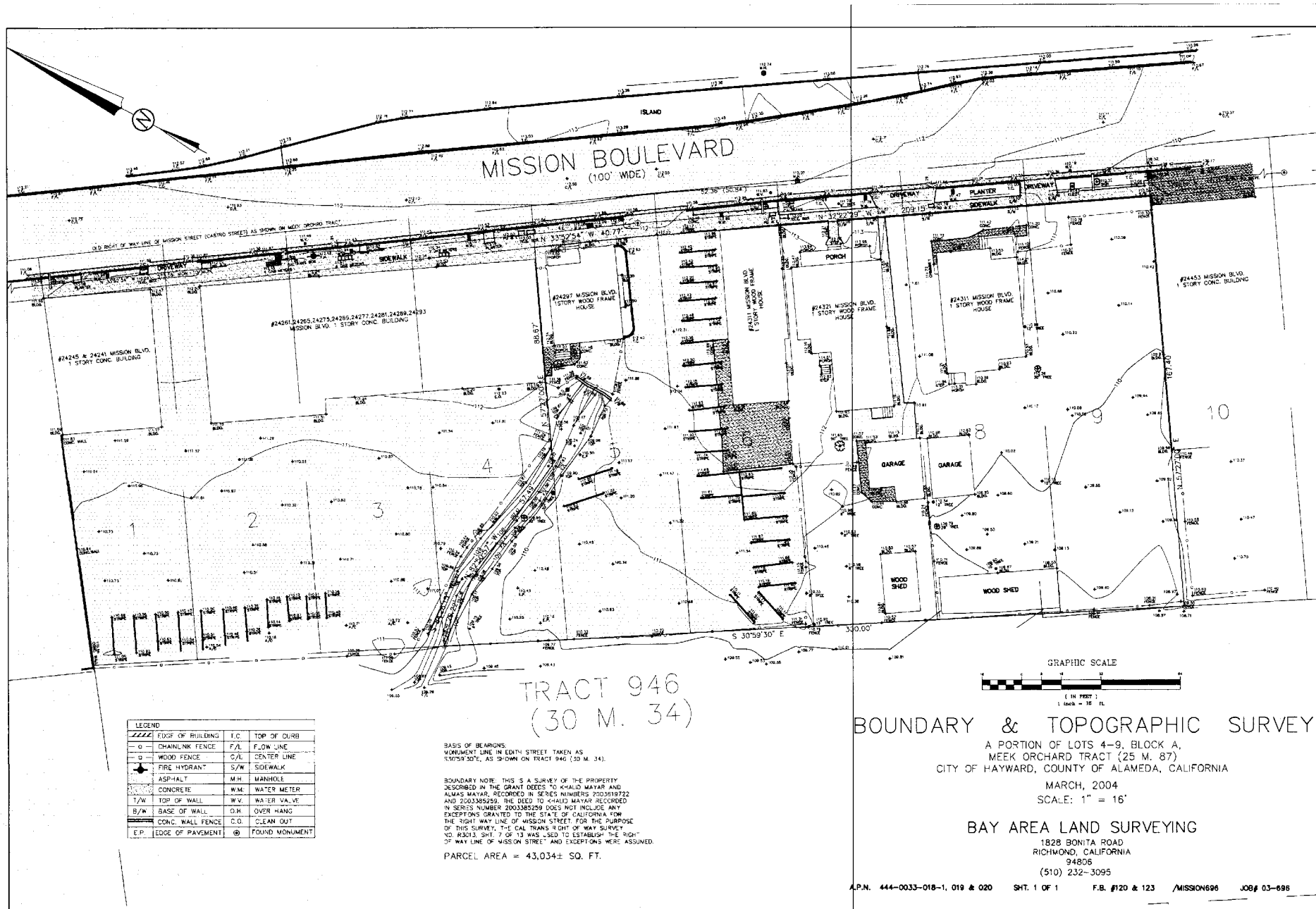


REQUIRED PARKING:	MAIN RESTAURANT:	50 STALLS
	6 CONDOMINIUMS:	6.0 COVERED 6.0 STALLS
REQUIRED PARKING:	REQUIRED:	66.2 STALLS 6.0 STALLS
	COVERED STALLS:	7 STALLS
REQUIRED PARKING:	OPEN STALLS:	54 STALLS
	2 MOTORCYCLE STALLS	81 STALLS
REQUIRED PARKING:	4 BICYCLE STALLS	1 STALL ALLOWANCE
	PROVIDED:	63 STALLS

TENTATIVE MAP
7542

Revisions	By
16-17-04 MC	
18-15-04 MC	
RUFFIN ARCHITECTURE 47 MASSIMO DRIVE, # 2 • PLEASANT HILL, CA 94554 TEL: (415) 309-8619 • FAX: (925) 680-8816	
DEVELOPED BY: MISSION VILLAS MIXED USE 24331 MISSION BLVD. HAYWARD, CALIFORNIA	
Drawn	4-7-04
Scale	AS SHOWN
Drawn By	MC/DR
Sheet Title	1/16" SITE PLAN
Sheet No.	A1.1

24331 MISSION BLVD.
HAYWARD, CALIFORNIA

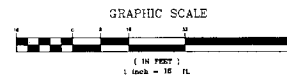


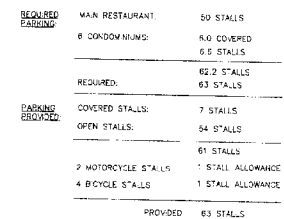
LEGEND			
----	EDGE OF BUILDING	T.C.	TOP OF CURB
o	CHAINLINK FENCE	F/L	FLOW LINE
o	WOOD FENCE	C/L	CENTER LINE
+	FIRE HYDRANT	S/W	SIDEWALK
+	ASPH-ALT	M.H.	MANHOLE
+	CONCRETE	W.M.	WATER METER
T/W	TOP OF WALL	W.V.	WATER VALVE
B/W	BASE OF WALL	O.H.	OVER HANG
+	CONC. WALL FENCE	C.O.	CLEAN OUT
E.P.	EDGE OF PAVEMENT	@	FOUND MONUMENT

BASIS OF BEARINGS:
MONUMENT LINE IN EDITH STREET TAKEN AS
S 30° 59' 30" E, AS SHOWN ON TRACT 946 (30 M. 34).


BOUNDARY NOTE: THIS IS A SURVEY OF THE PROPERTY
DESCRIBED IN THE GRANT DEEDS TO KHALID MAYAR AND
ALMAS MAYAR, RECORDED IN SERIES NUMBERS 2003019122
AND 2003052529. THE DEED TO KHALID MAYAR RECORDED
IN SERIES NUMBER 2003052529 DOES NOT INCLUDE ANY
EXCEPTIONS GRANTED TO THE STATE OF CALIFORNIA FOR
THE RIGHT WAY LINE OF MISSION STREET FOR THE PURPOSE
OF THIS SURVEY. THE CAL TRANS RIGHT OF WAY SURVEY
NO. R3013, SHT. 7 OF 13 WAS USED TO ESTABLISH THE RIGHT
OF WAY LINE OF MISSION STREET AND EXCEPTIONS WERE ASSUMED.

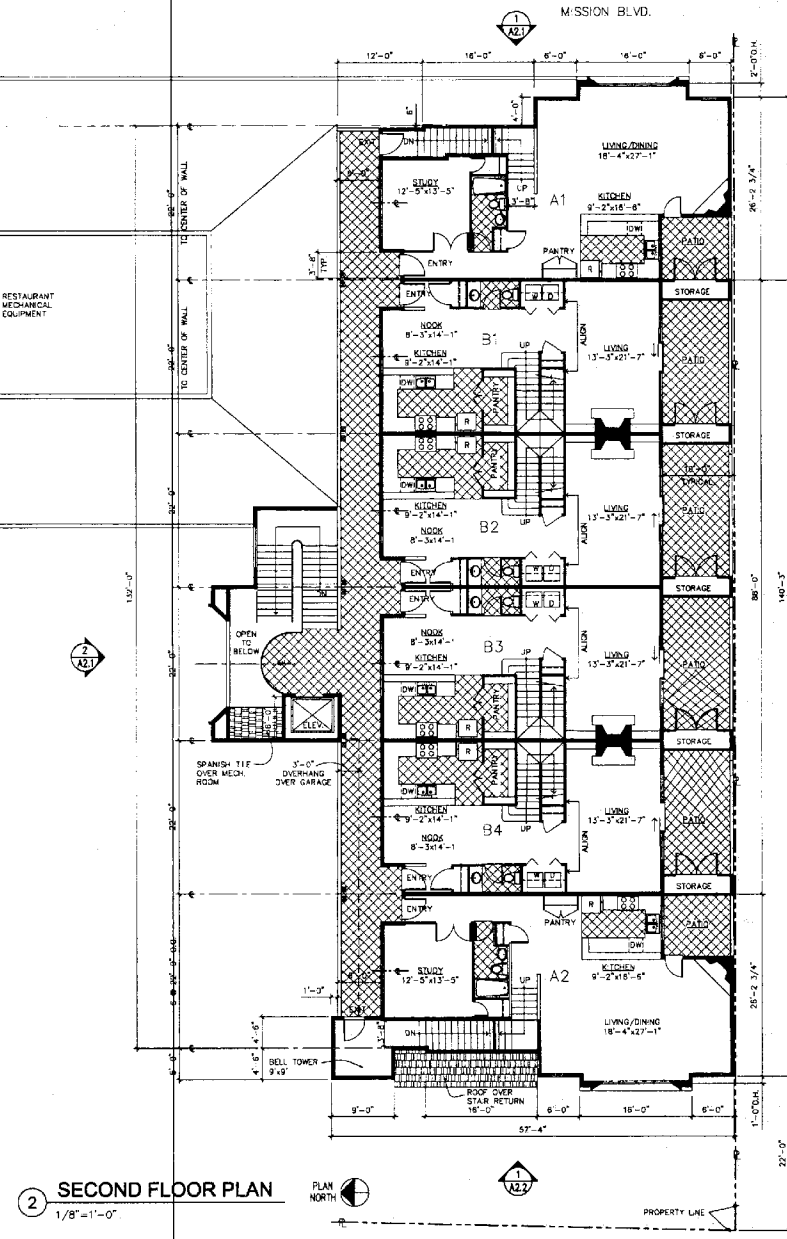
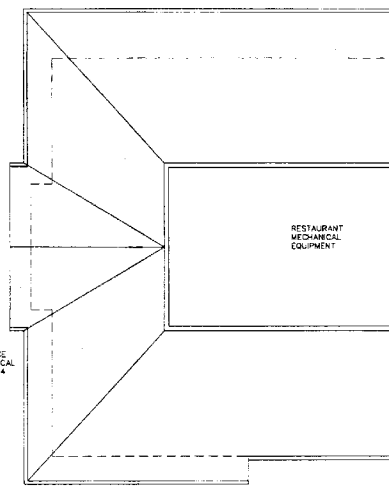
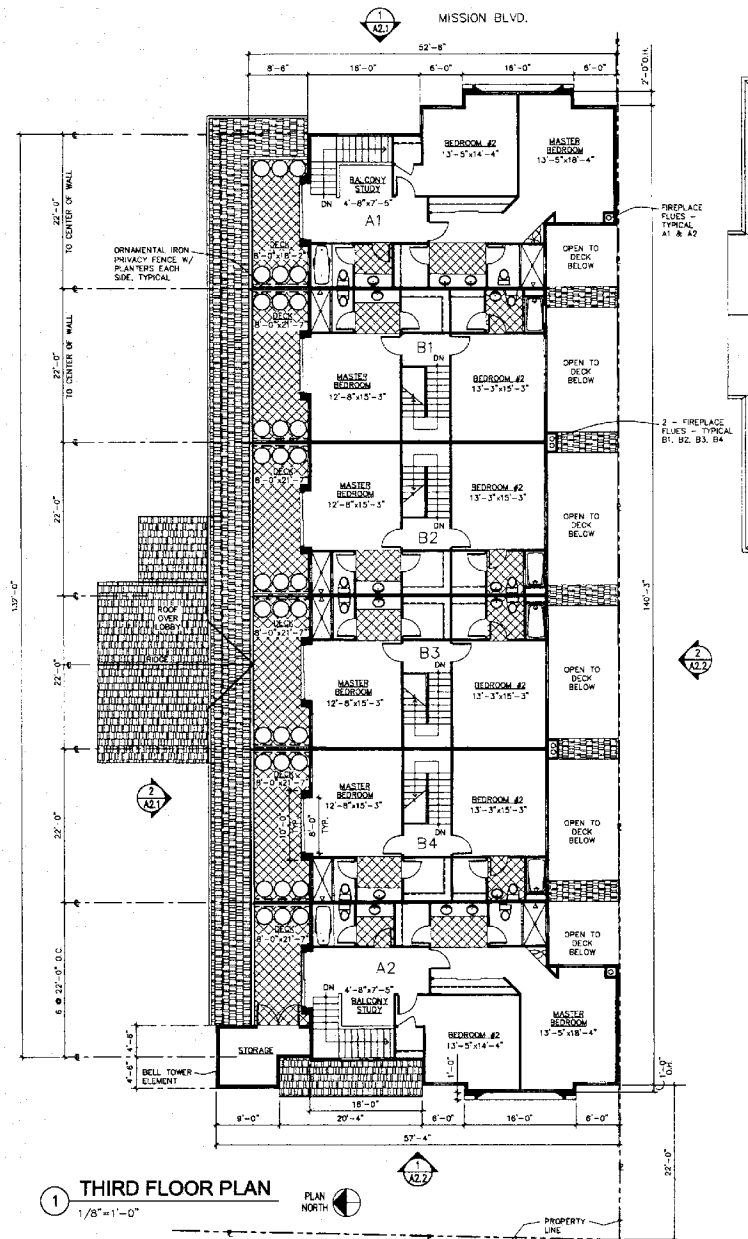
PARCEL AREA = 43,034± SQ. FT.

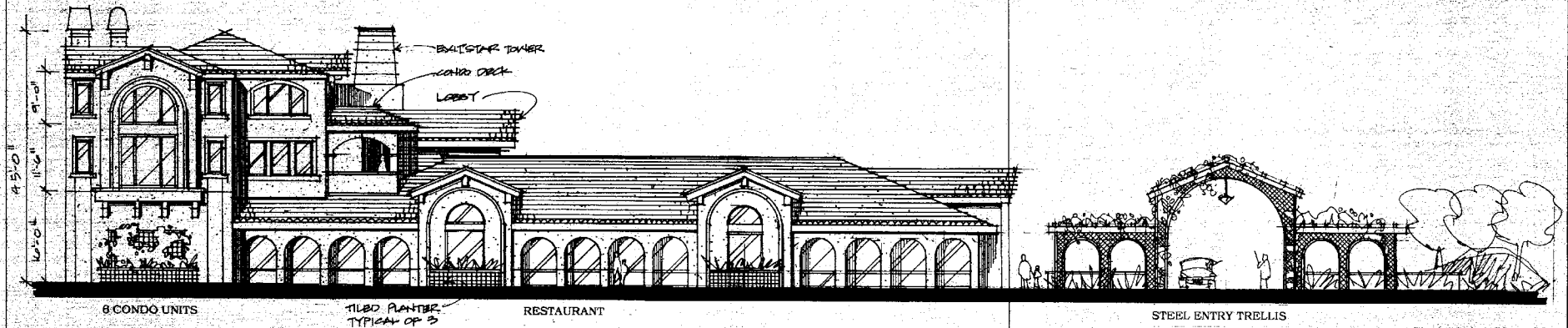




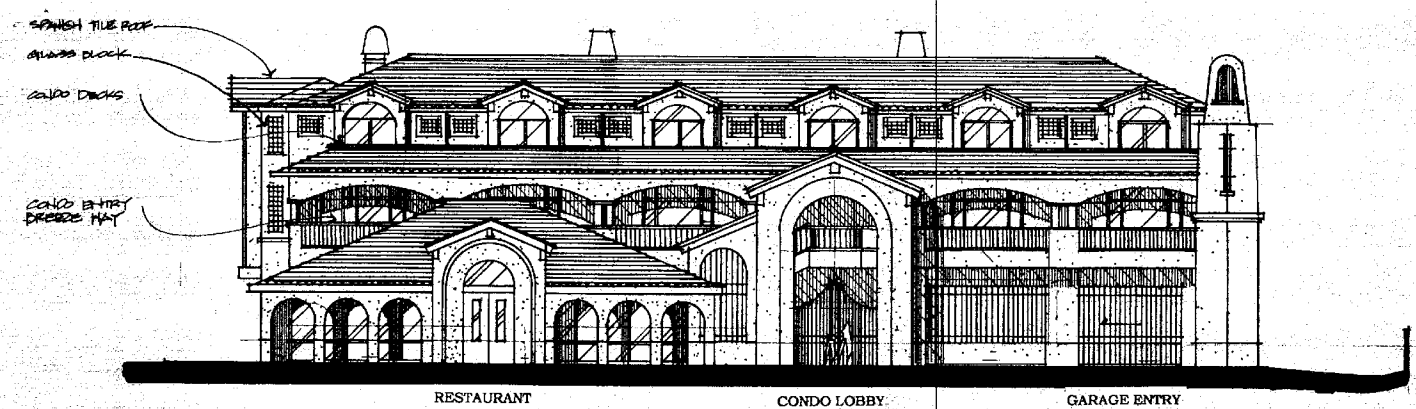
PLAN NORTH 

Revisions	By
△ 1-17-04	MC
△ 1-15-04	MC
	
RUFFIN ARCHITECTURE ARCHITECTURE + INTERIORS 47 MASSIMO DRIVE • E • PLEASANT HILL, CA 94503 PH: (415) 389-8019 • FAX: (925) 880-8818	
DEVELOPED BY: MISSION VILLAGES 24433 MISSION BLVD. HAYWARD, CA 94544	
MISSION VILLAGES MIXED USE 24433 MISSION BLVD. HAYWARD, CALIFORNIA	
Issue Date: 4-7-04 Scale: 1/16" = 1'-0"	Drawn by: MC/DR Chk. By:
Sheet Title: 1/16" SITE PLAN	
Sheet No.: A1.1	

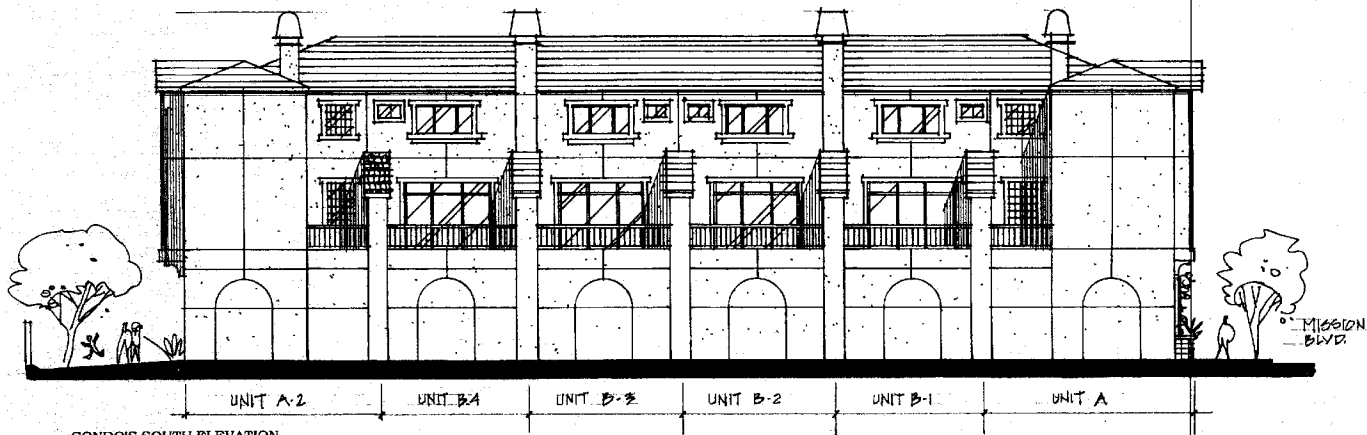




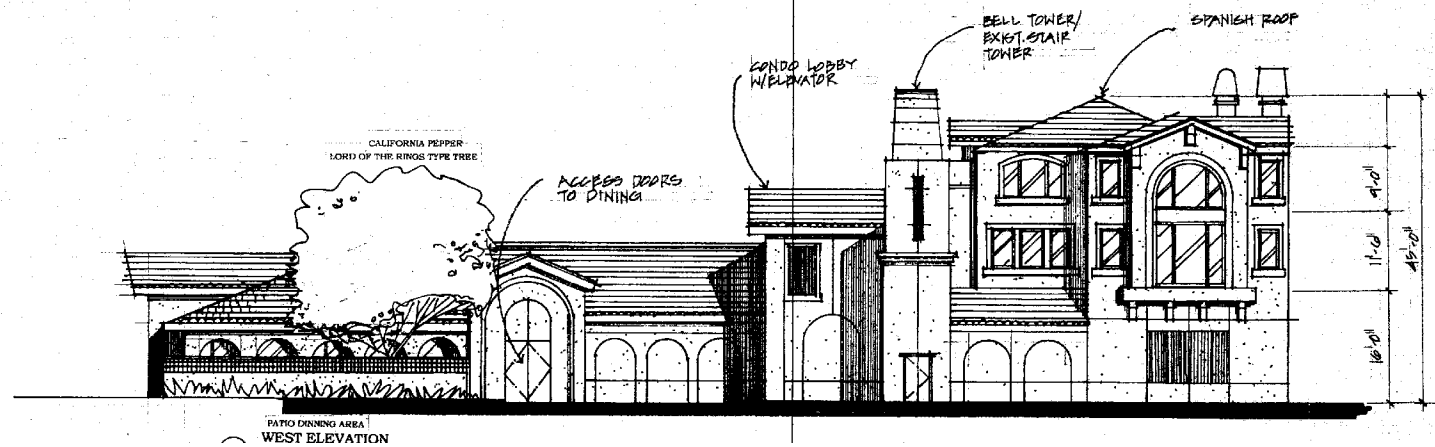
1 MISSION BLVD EAST ELEVATION
 $\frac{1}{8}" = 1'-0"$



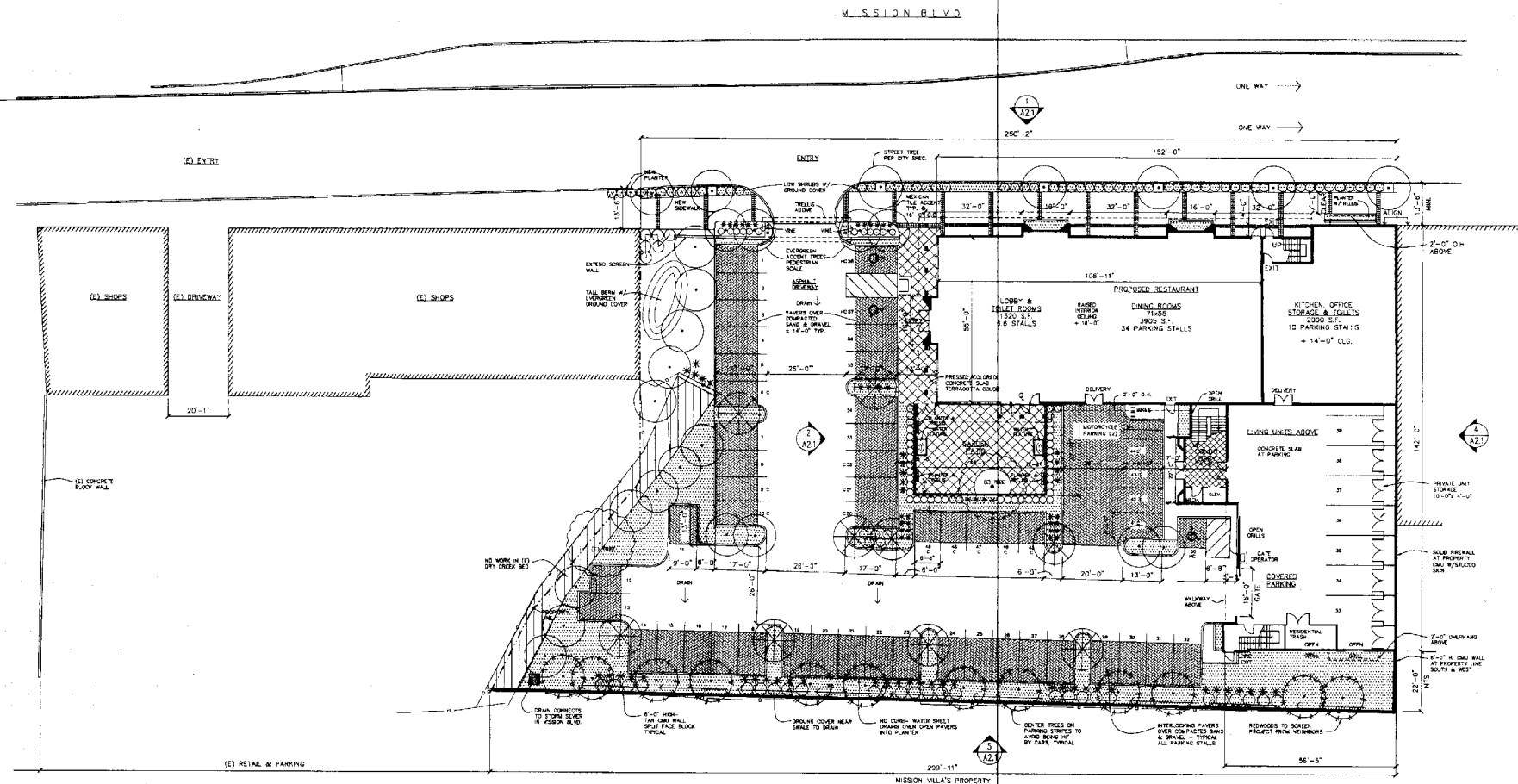
2 INNER COURTYARD NORTH ELEVATION



4 CONDO'S SOUTH ELEVATION



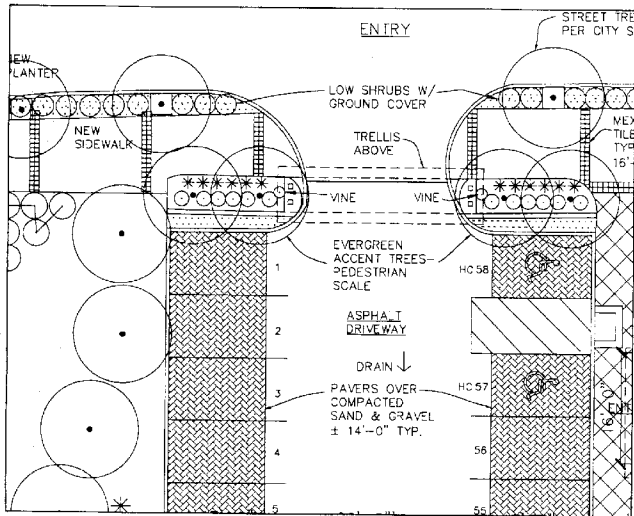
PATIO DINING AREA
WEST ELEVATION



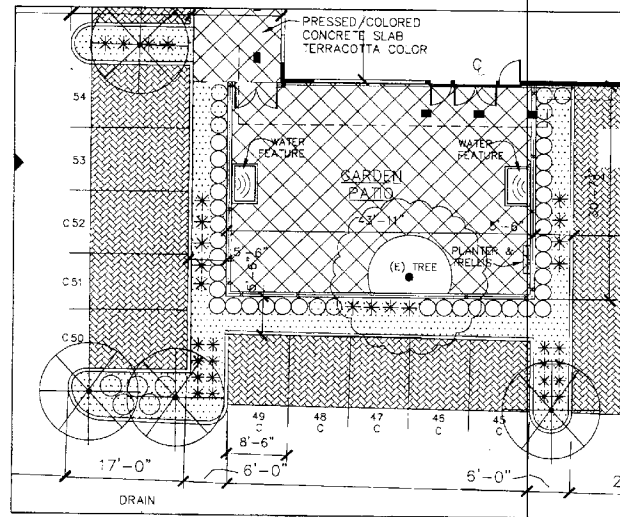
1 CONCEPTUAL LANDSCAPE PLAN
1/16"=1'-0"

PLAN NORTH

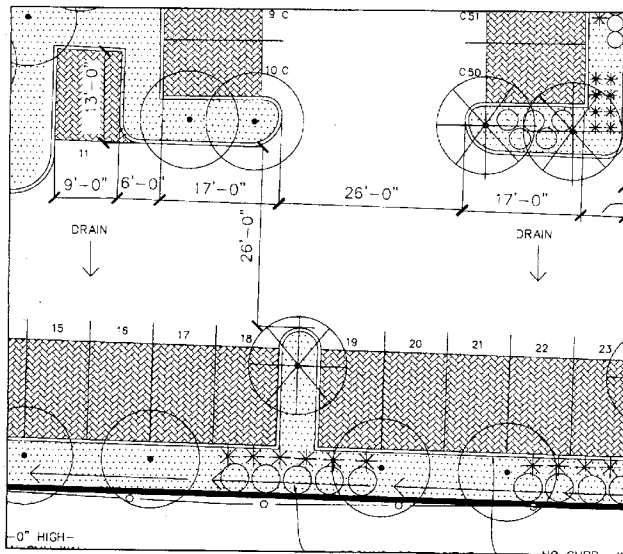




1
PARTIAL SITE PLAN
@ ENTRY DRIVE
1/8"=1'-0"



2
PARTIAL SITE PLAN
@ GARDEN PATIO
1/8"=1'-0"



3
PARTIAL SITE PLAN
@ WEST PARKING
1/8"=1'-0"

Mission Villas Conceptual Landscape Palette			
Botanical Name	Common Name	Size	Flower
Trees			
<i>Cornus canadensis</i>	Eastern Redbud	24" box	Pink
<i>Sequoia sempervirens</i>	Coast Redwood	24" box	
<i>Banksia verticillata</i>	Alysicarpus Barua	24" box	
<i>Bradybaya deflexa</i>	Brownish Loquat	24" box	
<i>Lagerstroemia indica 'Tuscan'</i>	Crape Myrtle-mildew resist.	24" box	Red
<i>Pyrus calleryana 'Chantrelle'</i>	Chantrelle Pear	24" box	White
<i>Pyrus x yodermis</i>	Yoshino Flowering Cherry	24" box	White
<i>Trachycarpus fortunei</i>	Windmill Palm	24" box	
Shrubs			
<i>Edmonia canadensis</i>	Pride of Madeira	5 Gal	Purple
<i>Lavandula angustifolia</i>	English Lavender	5 Gal	Lavender
<i>Phoradendron 'Breeze'</i>	New Zealand Flax	5 Gal	
<i>Raphiolepis indica 'Springtime'</i>	India Hawthorn	5 Gal	Pink
<i>Raphiolepis indica 'Ballarina'</i>	India Hawthorn	5 Gal	Pink
Annual Plants			
<i>Agapanthus africanus 'Midnight Blue'</i>	Lily of the Nile	5 Gal	Blue
<i>Agapanthus africanus 'Peter Pan White'</i>	Dwarf Lily of the Nile	1 Gal	White
<i>Clivia miniata</i>	Kaffir Lily	1 Gal	Orange
<i>Dietes bicolor</i>	African Iris	1 Gal	Light Yellow
<i>Hebe 'Russian Rhapsody'</i>	Evergreen Daylily	1 Gal	Purple
<i>Nandina domestica 'Compacta'</i>	Compact Heavenly Bamboo	5 Gal	White
<i>Salvia leucantha</i>	Mexican Bush Sage	1 Gal	Purple
Groundcovers			
<i>Coprosma 'Verde Vista'</i>	Comprosa	1 Gal	White
<i>Colocasia 'damier'</i>	Heartleaf Philodendron	1 Gal	White
<i>Hypericum calycinum</i>	Auron's Beard	1 Gal	Gold
<i>Rosemaria 'Collingwood Ingram'</i>	Rosemary	1 Gal	Blue
<i>Trachelium 'pinnatifidum'</i>	Star Jasmine	1 Gal	White
Flats			
<i>Bougainvillea 'San Diego Red'</i>	Bougainvillea	5 Gal	Red
<i>Chloris arundinacea</i>	Evergreen Clematis	5 Gal	White

4
CONCEPTUAL
LANDSCAPE PALETTE

- LEGEND
- PINK & GREY INTERLOCKING PAVERS
 - EVERGREEN GROUND COVER
 - FLOWERING ACCENT
 - EVERGREEN SHRUB
 - FLOWERING ACCENT TREE PEDESTRIAN SCALE
 - COLUMNAR TREE

